

LOCAL LAW 03 OF 2010

A LOCAL LAW OF THE TOWN OF SPRINGWATER TO PROVIDE FOR PROCEDURES TO BE FOLLOWED IN RELATION TO THE LICENSING OF DOGS

BE IT ENACTED by the Town Board of the Town of Springwater, Livingston County, New York, as follows:

SECTION 1.

Title.

The title of this local law shall be “Dog Licensing Ordinance of the Town of Springwater”.

SECTION 2.

Legislative purpose.

On June 22, 2010, Governor David Paterson signed a measure into law as part of the 2010/2011 State Budget. The measure eliminates the existing roles of the New York State Department of Agriculture and Markets and County government in the licensing of dogs and moves the remainder of the dog licensing function required by Article 7 of the Agriculture and Markets Law to the level of local government.

Part T of Chapter 59 of the Laws of 2010 provides for the elimination of NYSDAM’s dog licensing functions, including the agency’s centralized Dog Licensing System. Part T repeals a significant portion of state level mandates in terms of licensing fees, exemptions, enumeration fee caps and penalties. Legislative action by the Town of Springwater is necessary to determine local fees and other policies prior to January 1, 2011. Without such action, the Town of Springwater would not be able to ensure the continuity of revenue used to pay for the local licensing function.

Because the Town Board of the Town of Springwater recognizes that certain adjustments to its regulations must be made from time to time in order to preserve the health and safety of its residents, the Town Board finds that it is in the best interest of the Town of Springwater to adopt this local law to govern the licensing of dogs within the Town.

SECTION 3.

Definitions.

The following definitions shall apply to the licensing requirements of this ordinance:

ADOPT — The delivery to any natural person 18 years of age or older, for the limited purpose of harboring a pet, of any dog seized or surrendered, from an animal shelter run by the Town or Livingston County.

CLERK – The Town Clerk, or Deputy Town Clerk, of the Town of Springwater, by whom licenses are to be validated or issued.

DOG – Shall refer to both male and female dogs except where the context requires otherwise.

DOG CONTROL OFFICER – Any individual appointed by the County of Livingston or the Town of Springwater to assist in the enforcement of this ordinance.

DETECTION DOG – Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

GEESE DOG – Any dog that is trained to aid the Animal/Dog Control Officer in the control of geese within the boundaries of the Town.

GUIDE DOG – Any dog that is trained to aid a person who is blind and that is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR – To provide food or shelter to any dog.

HEARING DOG – Any dog that is trained to aid a person with a hearing impairment and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – A tag which sets forth an identification number, as required by the provisions set forth in this article.

OWNER – Any person who harbors or keeps any dog. In the event any dog found in violation of this ordinance shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

PERSON WITH DISABILITY – Any person with a disability as that term is defined in Subdivision 22 of § 292 of the New York State Executive Law

POLICE WORK DOG – Any dog owned or harbored by any municipal police department or any state or federal law enforcement agency, which dog has been trained to aid law enforcement officers and is actually being used for police work purposes.

SERVICE DOG – Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

THERAPY DOG – Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

TOWN – The Town of Springwater, including incorporated areas.

WAR DOG – Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – Any dog that is trained to aid in the search for missing persons and that is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

SECTION 4.

Dog licensing requirements and procedures.

A. Licensing of dogs.

- (1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewals shall be for one year terms.
- (2) Application for a dog license shall be made to the Clerk, or in the instance of adoption from the Livingston County Dog Control facility, an application can be made to a Dog Control Officer from that facility, and a license issued therefrom.
- (3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and official identification number of the dog, and other identification markers, if any, and the name, address, telephone number, county and town of residence of owner.
- (4) The application shall be accompanied by a license fee as listed below and a valid certificate of rabies vaccination. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.
- (5) The fees for a dog license shall be as set forth on the fee schedule adopted by the Town Board from time to time and available in the office of the Town Clerk.

(a) There shall be no fee charged for the license issued for any detection dog, geese dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog.

(b) The Clerk shall be authorized to charge fees to an Owner for reimbursement of any charges incurred by the Town by virtue of any services provided by a Dog Control Officer in the execution or enforcement of this Article.

- (6) Upon validation by the Clerk (or a Dog Control Officer from the Livingston County Dog Control facility), the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
- (7) The Clerk (or a Dog Control Officer from the Livingston County Dog Control facility) shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
- (8) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog, excepting that if a tag is lost or destroyed, the Clerk is authorized to issue a new tag with a different identification number and Owner shall pay a fee as designated by the Town for such purpose.

B. Purebred licenses. The owner of one or more purebred dogs registered by a recognized registry association as defined in Agriculture and Markets Law, §108 may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this local law. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

- (1) The purebred dog license application shall state the name, address and telephone number of the owner; the county and town where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.
- (2) The application shall be accompanied by the license fee prescribed by this local law and a certificate of rabies vaccination ~~or sworn affidavit in lieu thereof~~, as required by this Article and Article 7 of the State Agriculture and Markets Law.

- (3) Upon receipt of the foregoing items, the Clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.
 - (4) The Town Clerk shall:
 - (i) provide a copy of the purebred license to the owner;
 - (ii) retain a record of the purebred license in the office of the Town Clerk.
 - (5) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.
 - (6) The fees for a dog license shall be as set forth on the fee schedule adopted by the Town Board from time to time, including a mandatory surcharge of no less than \$3.00 for purposes of carrying out animal population control efforts, such schedule being available in the office of the Town Clerk.
- C. Rabies vaccination. The Clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.
- D. Enumeration. In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

SECTION 5.

Identification of dogs.

- A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.
- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee pursuant to a fee schedule adopted by the Town Board from time to time and available in the office of the Town Clerk.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- E. The identification tag shall be imprinted with the words "Springwater, NY", a unique identification number, and the telephone number of the Town Clerk's office.

SECTION 6.

Change of ownership, lost or stolen dogs.

- A. In the event of a change in ownership of any dog that has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.
- B. If any dog that has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Clerk, either prior to renewal of license or upon the time of such renewal.

SECTION 7.

Violations of Licensing Requirements.

- A. It shall be a violation, punishable as provided herein, for:
 - (1) Any owner to fail to license a dog.
 - (2) Any owner to fail to have any dog identified as required by this article.
 - (3) Any person to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs.

SECTION 8.

Penalties for Offenses.

A violation of this article shall be subject to a fine, which shall not be less than \$25, except that:

- A. Where the person was found to have violated this article within the preceding five years, the fine shall not be less than \$50; and

- B. Where the person was found to have committed two or more violations of this article within the preceding five years, the fine shall not be less than \$100 or imprisonment for not more than 15 days, or both.

SECTION 9.

Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10.

Effective date.

This local law shall take effect January 1, 2011 after filing with the Secretary of State in Albany.